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10/675,235

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Jeffrey Raymond Reihl

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EXAMINER

LY, CHEYNE D

ART UNIT

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2168

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/675,235

Applicant(s)

REIHL ET AL.

Examiner

Cheyne D. Ly

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 and 26-35 is/are pending in the application.
- 4a) Of the above claim(s) 31-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20, 26-30, 34 and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-20 and 26-35 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 22, 2007 has been entered.
2. Applicants' arguments have been fully considered but they are not deemed to be persuasive. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. The following rejections and/or objections are either reiterated or newly applied. They constitute the complete set presently being applied to the instant application.
3. The rejections of record have been withdrawn as necessitated by claim amendments.
4. The additions of claims 26-35 have been entered.
5. Newly submitted claims 31-33 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claims 1-20, 26-30, 34, and 35 are directed to an Internet deliver system and method delivering electronic information products to a plurality of users via the Internet wherein the system and method comprising display formats in a database, storing information directed to a user. While, new claims 31-33 are directed to an Internet delivery system comprising an external content asset database, a content repository containing original product-related information, an online content management

system, a business information system, a presentation layer, and a communications module.

6. The distinct critical features of each Group support the undue search burden if they were examined together.
7. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 31-33 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.
8. Claims 1-20, 26-30, 34, and 35 are examined on the merits.

***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claim 35 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. NEW MATTER.
11. Claim 35, last line, recites the limitation of "presentation logic on how to create the customized version of the electronic information product" which has not been found in the instant specification, as originally filed.

**CLAIM REJECTIONS - 35 USC § 102**

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-20, 26-30, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Bolnick et al. (US 2002/0023230) (Bolnick hereafter).
14. In regard to claim 1, Bolnick discloses An Internet delivery method delivering electronic information products to a plurality of users via the Internet (pages 2-3, [0026], e.g. Internet), the method comprising:
- storing a plurality of display formats in a database (page 4, [0063]-[0066], e.g. database management system, and pages 6-7, [0114], e.g. family database entries...can be show in a Families' Display list...for each family icon), said display formats including at least a default display format (page 7, [0140], e.g. "Welcome is the site's general home page" which represents a default display format for every user) and a custom display format (page 7, [0143]-[0144], e.g. "Your Home" site focuses on the individual's day-to-day routine...calendars, to-do lists...");
- for each one of said plurality of users, storing information indicating whether the user is a specific type of user (page 3, [0032], e.g. user profile information, wherein the specific type of user is authorized to access one or more content databases (page 7, [0141], e.g. Once logged on, the user is in a secure connection...);
- when a user logs in, identifying whether or not the user is said specific type of user; and

if said user is identified as said specific type of user, then delivering a customized version of an electronic information product that includes information gathered from the one or more content databases the specific type of user is authorized to access to said user in said custom display format (page 7, [0141], e.g. Once logged on, the user is in a secure connection...view a personal calendar summary, messages summary, and list of important links).

15. In regard to claim 2, Bolnick the information identifying whether the user is a specific type of user comprises subscription account information (page 1, [0010], e.g. subscribe to an online portal account).
16. In regard to claim 3, Bolnick discloses there are a plurality of user types (page 8, [0145], e.g. one member of one family, or all members of one family) and a respectively corresponding plurality of custom display formats (pages 6-7, [0114], e.g. family database entries...can be show in a Families' Display list...for each family icon).
17. In regard to claim 4, Bolnick discloses wherein said plurality of custom display formats comprises custom display formats in different languages (page 7, [0138], e.g. English, French, etc.).
18. In regard to claim 5, Bolnick discloses either one or both of the custom display format and the default display format includes flexible or changeable information (page 7, [0143]-[0144], e.g. "Your Home" site focuses on the individual's day-to-day routine...calendars, to-do lists...", page 3, [0030] wherein the different formats represent format includes flexible or changeable information).

19. In regard to claims 6 and 7, Bolnick discloses the customized version of the electronic information product is transmitted to a wireless device (page 2, [0026], e.g. wireless access, page 5, [0068], e.g. conveying user-personalized content using a wireless access device, and page 6, [0105], e.g. wireless Web).
20. In regard to claim 8, Bolnick discloses the electronic information products comprises healthcare information (page 5, [0073], e.g. prescription information).
21. In regard to 9, Bolnick discloses the user's use of the method is tracked (Figure 17, e.g. Last Updated: Today 10:34am).
22. In regard to claims 10-19, and 34, Bolnick describes the system for implementing the above cited method (page 4, [0062], e.g. a real-time social network service provider). Further, Bolnick describes the electronic information product is transmitted by cradle synchronization (page 3, line 2, e.g. a synchronize device, a personal digital assistant).
23. In regard to 20, Bolnick discloses a method of delivering electronic healthcare information products to a plurality of users via the Internet, the method comprising: storing a plurality of custom display formats in a database, each of the plurality of custom display formats associated with a user category of a plurality of user categories (page 4, [0063]-[0066], e.g. database management system, and pages 6-7, [0114], e.g. family database entries...can be show in a Families' Display list...for each family icon); for each one of the plurality of users, storing subscription account information authorizing access to one or more content databases and including information indicating a user category with which the user is associated (page 1, [0010], e.g. subscribe to an online portal account);

when a user logs in, identifying the user category with which the user is associated (page 7, [0141], e.g. Once logged on, the user is in a secure connection...view a personal calendar summary, messages summary, and list of important links); and delivering a customized electronic healthcare information product (page 5, [0073], e.g. prescription information) including information gathered from the one or more content databases associated with the subscription account information (page 4, [0063]-[0066], e.g. database management system) to a wireless device of the user in accordance with the custom display format associated with the user category and the wireless device (page 2, [0026], e.g. wireless access, page 5, [0068], e.g. conveying user-personalized content using a wireless access device, and page 6, [0105], e.g. wireless Web).

24. In regard to claim 26, Bolnick discloses the custom display format includes a customized interface providing access to one or more databases, products, or functions (page 4, [0063]-[0066], e.g. database management system) associated with a set of subscription accounts of the identified specific type of user (page 1, [0010], e.g. subscribe to an online portal account).
25. In regard to claim 27, Bolnick discloses the customized version of the electronic information product includes information gathered from a group consisting of a Physicians Desk Reference content database, proprietary pharmaceutical databases, and healthcare related databases (page 5, [0073], e.g. prescription information).
26. In regard to claim 28, Bolnick discloses the subscription account information includes authorization to access one or more functions associated with the specific type of user (page 1, [0010], e.g. subscribe to an online portal account), wherein the one or more



functions are selected from a group consisting of pharmaceutical inventory management, formulary management (page 5, [0073], e.g. prescription information), continuing medical education, healthcare related web community servers, and pharmaceutical order and delivery.

27. In regard to claim 29, Bolnick discloses the one or more content databases have stored therein one or more sets of healthcare-related information (page 5, [0073], e.g. prescription information) and a plurality of display formats, the plurality of display formats including custom display formats associated with particular users of the Internet delivery system or categories of users of the healthcare information delivery system (page 4, [0063]-[0066], e.g. database management system, and pages 6-7, [0114], e.g. family database entries...can be show in a Families' Display list...for each family icon), and wherein the one or more modules include the following modules:

an authorization module configured to provide access to registered users of the Internet delivery system in a customized fashion, including receiving search criteria from the registered users (page 2, [0019], e.g. portal generates a query for information by group profile category to content providers in order to request information of interest to the general profile categories assigned to the users of the portal) and displaying requested healthcare-related information to the registered users in accordance with the custom display formats that are associated with the registered users (page 7, [0141], e.g. Once logged on, the user is in a secure connection...view a personal calendar summary, messages summary, and list of important links);

a requesting module configured to receive a set of search criteria from the registered

users through the custom display format and search the one or more databases for healthcare-related information corresponding to the set of search criteria (page 2, [0019], e.g. portal generates a query for information by group profile category to content providers in order to request information of interest to the general profile categories assigned to the users of the portal); and

a delivery module configured to deliver the healthcare-related information returned from the requesting module to the registered users in accordance with those of the customized display formats that are associated with the registered users ((page 5, [0073], e.g. prescription information, and page 7, [0141], e.g. Once logged on, the user is in a secure connection...view a personal calendar summary, messages summary, and list of important links).

28. In regard to claim 30, Bolnick discloses the requesting module further comprises an interface to a formulary management system (page 5, [0073], e.g. prescription information).

***Claim Rejections - 35 USC § 103***

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were

made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

31. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bolnick et al. (US 2002/0023230) (Bolnick hereafter) as applied to claim 1-20, 26-30, and 34.

32. In regard to claim 35, Bolnick describes the invention as cited above, except for the limitation of "presentation logic on how to create the customized version of the electronic information product." Bolnick describes an interface comprising a "Help" (Figure 6) which would reasonably provide the "presentation logic on how to create the customized version of the electronic information product." One of ordinary skill in the art at the time of the invention would have been motivated by Bolnick to have a more easily accessible centralized access to useful personal information related to a consumer user or customer (page 2, column 1, lines 4-6). Therefore, it would have been obvious to one of ordinary skill in the art to use the system of Bolnick with "presentation logic on how to create the customized version of the electronic information product" via the "Help" feature.

### CONCLUSION

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Styles (US 6,871,221A1) and Urakami et al. (US 2003/0233586A1).

34. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact

the USPTO's Patent Electronic Business Center (Patent EBC) for assistance.

Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

35. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199. The USPTO's official fax number is 571-272-8300.
36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.
37. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo, can be reached on (571) 272-3642.

C. Dune Ly  
Patent Examiner  
9/15/07

